

REMARKS

This amendment is submitted with a Request for Continued Examination in response to the final Office Action dated October 20, 2007.

Claims 7-10 currently stand rejected. Applicants have amended independent claims 7, 8 and 10 to more particularly distinguish the claimed invention from the cited references. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicants respectfully request reconsideration and allowance of all now-pending claims of the present invention.

Claim Rejections - 35 USC §102

Claims 7-10 stand rejected under 35 U.S.C. §102(e) as being anticipated by Parry (U.S. Patent No. 7,002,703).

Independent claim 1 has been amended to recite, *inter alia*, a processor being configured to use an identity tag to obtain address information via a network and authorize the downloading of information via the network to a remote server or terminal identified by the address information associated with the identity tag, in response to receipt of the identity tag.

Parry is directed to devices that control the downloading of information via email messages (col. 9, line 15). Applicants initially note that email, which as previously argued is well-known to those skilled in the art, is not an identity tag as recited in independent claims 7 and 8. As stated in independent claims 7 and 8, an identity tag is “indicative of the identity of the portable radio device.” An email message, on the other hand, indicates the identity of the person or persons (i.e., the sender’s or senders’ email address) who transmit the email message, and not the identity of the sending device. Accordingly, Parry fails to teach or suggest a transmitter for transmitting an identity tag indicative of the identity of the portable radio communication device as recited in independent claims 7 and 8.

The Office Action states that Parry also discloses a remote user transmitting a “downloading request [i.e., identity tag] to Web server to download data and transmit it to another Web-based device (see col. 11, lines 55-63). It is clear that the request includes an address of the another Web-based device such that transmission of the data is possible.”

Applicants respectfully submit that even if the Examiner's interpretation of the previous claim recitations were correct, the newly added feature describing the identity tag's employment to obtain address information via a network forecloses the possibility that the email message of Parry could be the identity tag of the claimed invention. In this regard, the email message of Parry, even under the Examiner's interpretation would directly provide the address of the "another Web-based device". However, the claimed invention provides, to the contrary, that the identity tag enables the address of the device to which information is to be downloaded to be obtained via the network rather than directly in an email message as provided by Parry. Thus, Parry fails to teach or suggest at least a processor being configured to use an identity tag to obtain address information via the network as recited in independent claim 7.

Independent claim 10 includes substantially similar recitations to those of independent claim 7 at least with respect to a processor being configured to use an identity tag to obtain address information via the network. Meanwhile, independent claim 8 similarly describes an object device enabled to obtain address information via a network. Accordingly, independent claims 8 and 10 are patentable for at least the same reasons given above for independent claim 7.

Accordingly, for at least the reasons given above, independent claims 7, 8 and 10 are patentable over Parry. Dependent claim 9 depends directly from independent claim 8 and therefore includes all the recitations of independent claim 8. Thus, dependent claim 9 is patentable for at least those reasons given above for independent claim 8. Therefore, Applicants respectfully submit that the rejections of claims 7-10 are overcome.

Appl. No.: 09/920,888
Amdt. Dated 01/18/2007
Reply to Office Action of 10/20/2006

CONCLUSION

In view of the amendment and the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Chad L. Thorson
Registration No. 55,675

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES
PATENT & TRADEMARK OFFICE ON JANUARY 18, 2007.
LEGAL02/30218338v1